

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Raymundo Ramos, being duly sworn, state as follows:

Introduction and Agent Background

1. I am a Border Patrol Agent (BPA) of the United States Border Patrol (USBP), a component of Customs and Border Protection (CBP) within the Department of Homeland Security (DHS). I have been so employed since August 28, 2017. I am currently assigned to the Swanton Border Patrol Station in Swanton, Vermont as the prosecutions agent.

2. This affidavit is offered in support of an application for criminal complaints. I believe the information described below establishes probable cause that Agustin Benitez-Lopez (a citizen of Mexico and an alien to the United States) and other aliens illegally entered the United States on or about December 8, 2022, in violation of 8 U.S.C. § 1325(a) and that Carlos Juarez-Martinez thereafter transported the aliens on December 9, 2022, in furtherance of their illegal entry while knowing or recklessly disregarding the fact that they were aliens who had illegally entered the United States, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii).

3. I have not set forth all facts I know from my investigation into this matter. Rather, I have only included those facts I believe establish probable cause that the named individuals committed the described offenses. I am familiar with the facts and circumstances described below from my own investigation and from my discussions with other agents involved in the investigation. Unless otherwise specified, the statements described herein are related in sum and substance and are not intended as direct quotations.

Probable Cause

4. On December 8, 2022, at approximately 9:50 P.M., Swanton Sector Communications (“Dispatch”) notified USBP agents of the Richford Border Patrol Station that

they had received an alert from a remotely operated camera showing at least seven people walking south and crossing the US-Canada border in the vicinity of North Road, which is in the town of Berkshire, Vermont. The camera is activated by motion within its field of view; it automatically records images when motion is detected and transmits them to USBP computer systems where they can be viewed by USBP personnel. USBP agents place cameras, such as this one, in areas known to have been used by smugglers or undocumented aliens attempting to cross the border without inspection by immigration officers. This camera is located with a view of “the Slash,” a clearing running along the international border, near the end of North Road. North Road is a north-south road that runs for approximately 2.75 miles from Route 118 in the village of Berkshire to its terminus at the international border.

5. Agents from the Richford Station responded to investigate the camera alert and determine if an alien-smuggling event was in progress, but they were unable to immediately locate the subjects seen in the remote camera images. BPA Stephen Holbrook was on duty at the time of the camera activation, and he parked in an area near the intersection of Ayers Hill Road and North Road where he could observe a location that was known to agents to have previously been used as a “load-up” location for groups of aliens being met by transporters in the United States.

6. At approximately 5:25 am on December 9, 2022, BPA Holbrook was advised that BPA Ryan Boda had observed an SUV traveling north on North Road. Given the rural and sparsely populated nature of the area, traffic on North Road is unusual at that time of day. As BPA Holbrook observed the vehicle approaching his position, he also saw multiple people emerge from nearby bushes and begin running toward the SUV. BPA Holbrook then observed the SUV travel away from the load-up location and travel east on Ayer’s Hill Road. A map of

the area appears below:



7. BPA Holbrook advised other agents of his observations and pursued the SUV, which he observed to be a blue Honda Pilot. He believed the Honda Pilot resembled a vehicle he had seen an image of from a remote sensor on a previous smuggling event that agents had failed to interdict in time. As BPA Holbrook came closer to the Honda Pilot, he noticed multiple people inside. He initiated a vehicle stop approximately 1 mile from the load-up location, and the driver yielded.

8. BPA Holbrook approached the driver and identified himself as a Border Patrol Agent. The driver identified himself with a Vermont drivers privilege card as Carlos Juarez-Martinez. BPA Holbrook asked Juarez-Martinez about his immigration status, and Juarez-Martinez admitted to being present in the United States without proper documentation. BPA Holbrook detained Juarez-Martinez in his USBP patrol vehicle and later transported him to the

Richford Station for further investigation and processing. A later registration records check for the Honda Pilot indicated the vehicle was registered to Carlos Juarez-Martinez at an address on Lake Street in Bridport, Vermont. At the time of the stop, Juarez-Martinez had been using a map application on a cell phone to navigate while driving, and the destination—which was visible on the screen—was shown to be Burlington, Vermont. Agents seized Juarez-Martinez's phone as evidence.

9. There were eight passengers in the Honda Pilot: five adult females and three adult males. They were questioned at the site of the vehicle stop as to their immigration status, and each was preliminarily determined to be a citizen of Mexico without legal status in the United States. Given the number of passengers and the proximity between the sensor activation and the load-up location (approximately 0.7 miles), it appeared likely to BPA Holbrook that these passengers were the individuals who crossed the border the prior evening. They were detained and transported to the Richford Station for processing and further investigation. Each of the passengers was identified and found to lack authorization to be present in the United States. Seven of the eight passengers were processed for immigration proceedings.

10. At the Richford Station, Agustin Benitez-Lopez (the eighth passenger) was identified through several forms of identification he had with him. Benitez-Lopez consented to an interview with Border Patrol Agent (Intelligence) Kevin O'Dowd and me after we read him his *Miranda* rights in Spanish. The interview was conducted predominantly in English. Benitez-Lopez indicated that he was a native and citizen of Mexico and that he had never applied for admission or legal status in the United States. He admitted that he had entered the United States illegally the previous evening along with others in the vehicle. They had been driven together to the border from the Montreal area. Benitez-Lopez indicated he had already paid 1,360 CAD to

an unidentified smuggler in Canada for the transportation to the border, and he expected to pay \$1,000 to the driver who picked him up in the United States, along with an additional \$3,000 when he arrived at his final destination of Chicago. He expected to be dropped off in Burlington, from which he would make his own arrangements for transportation to Chicago. Benitez-Lopez had been given GPS coordinates for the load-up location in the United States by an unknown smuggler in Canada, and he relied on those coordinates to cross the border and navigate in the United States. He was told a vehicle would be waiting for them, but he had not been given a description of the vehicle. BPA-I O'Dowd observed the "pin-drop" coordinates on Benitez-Lopez's phone were in the same area as the load-up location where BPA Holbrook had seen the Honda Pilot.

11. Juarez-Martinez declined to be interviewed after he was read his *Miranda* rights by BPA-I O'Dowd.

Conclusion and Request

12. Based on the foregoing information, I submit there is probable cause to believe that Agustin Benitez-Lopez (a citizen of Mexico and an alien to the United States) and other aliens illegally entered the United States on or about December 8, 2022, in violation of 8 U.S.C. § 1325(a), and that Carlos Juarez-Martinez thereafter transported the aliens on December 9, 2022, in furtherance of their illegal entry while knowing or recklessly disregarding the fact that they were aliens who had illegally entered the United States, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii). I respectfully request the Court issue criminal complaints charging them accordingly.

/s/ Raymundo Ramos

Raymundo Ramos, Border Patrol Agent
U.S. Border Patrol

The affiant appeared before me by video conference on this 9th day of December 2022 pursuant to Fed. R. Crim. P. 4.1 and affirmed under oath the content of this affidavit and application.



HONORABLE KEVIN J. DOYLE
United States Magistrate Judge
District of Vermont